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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,527	12/02/2005	Mitsutoshi Shinkai	SON-3029	2726
23353 7590 06/16/2010 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036				
EXAMINER				
YODICHKAS, ANEETA				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
06/16/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/559,527

**Applicant(s)**

SHINKAI ET AL.

**Examiner**

Aneeta Yodichkas

**Art Unit**

2627

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4, 5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4, 5, 7-11 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/17/10 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claim 12** is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Pub. No. 2002/0097645 A1 to *Mikawa*.

As to **claim 12**, *Mikawa* discloses a recording medium having recorded thereon data that is played back by an information processing apparatus that manages data wherein a first file including an identifier for identifying a format on the recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier for identifying a format in the first file, the second file further including label information describing content of data in the format, are recorded in the format as mutually different files on the recording medium (Fig. 4, 6

and 7, paragraphs 0007 and 0083-0087), where the first file which includes format identifying information is the disk information, which includes disk ID information and the second file which includes the information from the first file in addition to including label information is the file management information, which includes file type, file name, file path, file size, time and date information, and thumbnail image or playback time information.

### ***Allowable Subject Matter***

**Claims 1, 4, 5, 7-11 and 13-15** allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, alone, or in combination, fails to teach or render obvious,

*"wherein the recording means records the second file in the format identified by the identifier on the recording medium only when it is determined as a result of comparison by the comparing means that the identifier included in the second file matches with the identifier included in the first file"*, in combination with the other limitations set forth in claim 1.

**Claims 10 and 11** have similar allowable subject matter.

**Claims 4, 5, 7-9 and 13-15** depend on allowed base claims.

### ***Response to Arguments***

Applicant's arguments filed 3/17/10 have been fully considered but they are not persuasive.

Applicant argues, with respect to claim 12 on pages 7-10, lines 8-9, that *Mikawa* fails to disclose, *"wherein a first file including an identifier for identifying a format on the*

*recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier for identifying a format in the first file, the second file further including label information describing content of the data in the format, are recorded in the format as mutually different files on the recording medium". Examiner disagrees as Mikawa discloses "wherein a first file including an identifier for identifying a format on the recording medium, the first file serving to manage data in the format, and a second file including an identifier that is the same as the identifier for identifying a format in the first file, the second file further including label information describing content of the data in the format, are recorded in the format as mutually different files on the recording medium"* (Fig. 4, 6 and 7, paragraphs 0007 and 0083-0087), where the first file which includes format identifying information is the disk information, which includes disk ID information and the second file which includes the information from the first file in addition to including label information is the file management information, which includes file type, file name, file path, file size, time and date information, and thumbnail image or playback time information.

Applicant's arguments, see pages 10-15, lines 10-23, filed 3/17/10, with respect to claims 1, 4, 5, 10 and 11, have been fully considered and are persuasive. The rejection of claims 1, 10 and 11 has been withdrawn.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aneeta Yodichkas whose telephone number is (571)

272-9773. The examiner can normally be reached on Monday-Thursday 8-5, alternating Fridays, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A.Y./  
6/15/10

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627